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**Date:** February 28, 2006

**Time Sent:**

<b>To:</b> Examiner Gregg Cantelmo	<b>Company:</b> U.S. Patent and Trademark Office	<b>Facsimile No:</b> 571-273-8300	<b>Telephone No:</b>
<b>From:</b> Michael E. Fogarty	<b>Direct Phone:</b> 202.756.8372		
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<b>Sent By:</b> Matilda Mason	<b>Direct Phone:</b> 202-756-8661		
<b>Client/Matter/Tkpr:</b> 43888-312/3328	<b>Original to Follow by Mail:</b> No		
	<b>Number of Pages, Including Cover:</b> 5		
<b>Re:</b> Application No.: 10/826,389 Attorney Docket No.: 43888-312			

**Message:**

This Notice of Appeal (\$500.00) and Petition for Three-Month Extension of Time (\$570.00) is being filed in response to the Office Action dated August 30, 2005.

**Certification of Facsimile Transmission**  
I hereby certify that this paper is being facsimiled to the Patent and Trademark Office on the date shown below.  
Matilda Mason  
02/28/2006  
Date

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U.S. practice conducted through McDermott Will & Emery LLP.  
600 Thirteenth Street, N.W. Washington, D.C. 20005-3096 Telephone: 202.756.8000

Docket No.: 043888-0312

**PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Customer Number: 20277

Takayuki SHIRANE, et al.

Confirmation Number: 9712

Application No.: 10/826,389

Group Art Unit: 1745

Filed: April 19, 2004

Examiner: Gregg Cantelmo

For: SECONDARY BATTERY

Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Notice of Appeal in the above-identified application.

- ☐ No additional fee is required.  
☐ Applicant is entitled to small entity status under 37 CFR 1.27  
☒ Also attached: Notice of Appeal

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	13	20	0	\$50.00 =	\$0.00
Independent Claims	3	3	0	\$200.00 =	\$0.00
Multiple dependent claims newly presented					\$0.00
Fee for extension of time					\$570.00
Notice of Appeal					\$500.00
Total of Above Calculations					\$1070.00

- ☒ Please charge my Deposit Account No. 500417 in the amount of \$1070.00.
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

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 Date

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 Date: February 28, 2006

Respectfully submitted,

McDERMOTT WILL &amp; EMERY LLP

*[Signature]*  
 Michael E. Fogarty  
 Registration No. 36,339

Please recognize our Customer No. 20277 as our  
 correspondence address.